



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS

PREVAILING WAGE LAW CHECK OFF LIST

The state of Missouri requires workers on public works projects be paid prevailing wage. Public bodies have certain duties to fulfill required under this law. (Section 290.220 RSMo). There are strict penalties for failure to comply. We suggest this "Check Off List" for the use of every person with any responsibility under the law.

I

Before Contract is Let

- A. Request the Division of Labor Standards provide a wage order to include in your call for bids. (Section 290.250, 290.325.)
- B. Provide a Project Notification Notice (PW-2) to the Division before beginning any work. We suggest you send it in when the project is bid. This ensures the Division receives it timely. (Section 290.262(10); 8 CSR 30-3.010(3)).
- C. If a public body solicits bids on a public works project without first including a wage order, the project must be rebid, including the wage order in the bid specifications.
- D. Insert a statement in the contract that not less than the prevailing wage included must be paid to all workers performing work under the contract. (Section 290.250).
- E. Insert a statement in the contract that the contractor will forfeit a penalty to the contracting public body ten dollars a day or portion thereof if a worker is paid less than the prevailing rate for any work done under the contract by the contractor or by any subcontractor under them. (Section 290.250).
- F. Require in all contractor's bonds that the contractor include provisions that will guarantee the faithful performance of the prevailing wage clause provided in the contract. (Section 290.250).
- G. Forward Form PW-1000, Contractor Information Notification, upon contract award.

II

While Contract is Being Performed

- A. If you are made aware of any possible violation contact the Division of Labor Standards. The Division of Labor Standards will investigate complaints and will assist to assure compliance.
- B. Make sure a clearly legible list of all prevailing wage rates is kept posted in a prominent and easily accessible place at the site by each contractor and subcontractor on the project. Require the notice to be posted during the full time that any worker is employed on the job. (Section 290.265).
- C. Records for wages paid to all workers employed on the contract should be kept within the state by the contractor and each subcontractor, for a period of one year following completion of the public work. You should review these records to assure workers are paid properly. (Section 290.290).

III

Before Contract is Fully Paid

- A. Before final payment can be made the general contractor and subcontractor must file an Affidavit of Compliance. The affidavit must state the party has fully complied with the Prevailing Wage Law. No payment can be legally made by the public body to the contractors until this affidavit is filed in proper form and order. (Section 290.290, 290.325).
- B. Withhold and retain amounts due and owing as a result of any violations of the Prevailing Wage Law. (Section 290.250).

Of course, before starting any public works project, all prevailing wage statutes should be carefully consulted. If we can be of further assistance, please write or call the Prevailing Wage Section of the Division of Labor Standards.

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